

COMMONWEALTH OF MASSACHUSETTS

Suffolk, ss

Department of Public Safety
State Building Code Appeals Board

Eric H. Cote,)
Appellant,)
v.)
City of Cambridge and Michael)
Grover,)
Appellees)

DOCKET NO. 05-276 & 05-277

* REVISED COPY-CORRECTION

BOARD'S RULING ON APPEAL

Procedural History

This matter comes before the State Building Code Appeals Board ("the Board") on the Appellant's motion filed pursuant to 780 CMR 122.1. In accordance with 780 CMR 122.3, Appellant asks the Board to grant a variance from 780 CMR 403.2 and 780 CMR 906.2 of the State building code which will allow the Appellant to exclude fire sprinklers from within an Nstar transformer vault on the subject property. In accordance with MGL c. 30A, §10 and §11; MGL c. 143, §100; 801 CMR 1.02 et. Seq.; and 780 CMR 122.3.4, the State Building Code Appeals Board convened a public hearing on August 3, 2006 where all interested parties were provided with an opportunity to testify and present evidence to the Board.

Present and presiding as the Board were Mr. Harry Smith, Mr. Jacob Nunnemacher, Mr. Brian Gale and Ms. Patricia Barry, acting as clerk. Present and representing Eric Cote, P.E. ("the Appellant") was Jennifer Sapochetti of Hughes Associates, Inc. There was no representative present from the City of Cambridge Inspectional Services Department.

Findings of fact

1. The subject properties are high rise residential buildings, identified as Parcel S located at 15 East Street Cambridge, Massachusetts and Parcel T located at 24 East Street, Cambridge, Massachusetts. (Board records, Appellant's testimony at hearing).
2. Parcel S is an eight story structure with one level below grade for parking. Parcel T is a thirteen story residential structure with two levels below grade for parking. (Board records, testimony of Appellant at hearing).
3. An Nstar transformer vault will be located on the first level below grade on the subject properties. Nstar will not allow fire suppression to be installed in the transformer vault. (Board records).
4. On or about April 18, 2006 the Appellant received an order from building inspector, Michael Grover of the City of Cambridge Inspectional Services Department ordering the Appellant to install fire suppression in the transformer vault. (Board records, submitted prior to hearing).
5. In lieu of installing suppression in the vault the Appellant has proposed ten protection measures to allow for the exclusion of sprinklers in the transformer vault. There will be flame retardant cables to be used in the vault; the vault will have a three hour fire rating; emergency independent exhaust stand by power will be located in the vault; the smoke and heat detection in the vault is connected to the building fire alarm system; transformers will be the less flammable insulating fluid type; the fire department will receive training to be equipped with a planned course of action in the event of an emergency; utility personnel will be the only people with access to the vault; the vault will have containment features to control leaks and there will be no storage in the vault. (Board records).
6. The Nstar vault will be located below grade. To access the Parcel S vault there is an exterior stair that leads directly to an exterior door which provides direct access to the vault without entering the building. In order to access Parcel T there is a door to the exterior that leads to a stair directly down to the transformer vault. Access to the vault of both buildings is possible without substantially entering the buildings. (Board, records, Appellant testimony at hearing).
7. Cambridge Fire Department did not object to the granting of the variance for Parcel S, which would allow the Appellant to exclude fire suppression from within an Nstar transformer vault. There was no formal objection from Cambridge Fire regarding Parcel T. (Board records letter of support from Chief Gerald Reardon of Cambridge Fire).
8. On or about May 8, 2006 the Appellant filed this appeal with the State Building Code Appeals Board.
9. On or about July 20, 2006 the parties were notified of a hearing scheduled on August 3, 2006.

Conclusion

Motion was made by Mr. Gale and duly seconded by Mr. Nunnemacher to **GRANT** the Appellant's request for a variance, for Parcel S, from section 780 CMR 906.2 of the State building code for the omission of fire suppression in a transformer vault. The protection measures set forth by the Appellant are the usual requirements the Board requests; and the Appellant has agreed to faithfully execute each requirement.

Motion carried 3-0. Appeal **GRANTED**.

Motion was made by Mr. Gale and duly seconded by Mr. Smith to **GRANT** the Appellant's request for a variance, for Parcel T, from section 780 CMR 906.2 of the State building code for the omission of fire suppression in a transformer vault. The protection measures set forth by the Appellant are the usual requirements the Board requests; and the Appellant has agreed to faithfully execute each requirement.

Motion carried 2-1. Appeal **GRANTED**. Mr. Nunnemacher cast a vote to deny.

SO ORDERED,



HARRY SMITH



JACOB NUNNEMACHER



BRIAN GALE

DATED: September 25, 2006 (Revised on October 4, 2006, typo's)

In accordance with MGL, Chapter 30A, Section 14, any person aggrieved by this decision may appeal the decision to a court of competent jurisdiction within 30 days.